



Zoning Enforcement Officer

TOWN OF ACTON
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INTERDEPARTMENTAL COMMUNICATION

To: Steve Ledoux, Town Manager
Board of Selectmen

Date: March 4, 2014

From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner

Subject: Use Special Permit Application #01/29/14-447 (Sonner)
5 Nagog Park, Rod's Golf Improvement Center, Inc.

Location: 5 Nagog Park, Unit - #102, Acton, MA
Applicant: Rodney F. Van Guilder, P.O. Box 845, Groton, MA 01450
Owner: Alevizos Nagog, LLC. (30%) & KVA Nagog, LLC. (70%), c/o Nagog Mall, LLC., 396 Washington Street #325, Wellesley, MA 02482
Previous Site Plans: #06/10/74-0086: Site Plan Special Permit to Construct New Shopping Plaza
#07/25/91-333: Use Special Permit for Commercial Recreation
#04/02/08-413: Use Special Permit for Commercial Recreation
Previous BOA #79-10: Variance for Signage - Denied
Hearings: #2000-14: Variance for Signage - Withdrawn
Zoning: Limited Business (LB)
Groundwater Protection District Zone 4
Proposed Uses: Commercial Recreation – Golf Instructions & Golf Simulators
Map/Parcel: B-4/7-2
Hearing Date: March 10, 2014
Decision Due: June 8, 2014

Attached are the legal ad, application, plan sheets, and departmental comments. As of this date, comments have only been received from the Town of Acton's Engineering Department. Although other municipal disciplines were given the opportunity to review the submission and provide comment and input, none have done so as of the date of this memo. Based upon a general overall knowledge of the site, the proposed use does not seem to raise significant issues, concerns or questions. Should the Use Special Permit be issued and the Applicant move forward with occupying the subject space, any required alterations and modifications to the existing space will presumably require building, electrical and plumbing permits which will be reviewed for full compliance with specific Building and Fire Code issues and concerns.

The Applicant, Rodney F. Van Guilder, who is also the owner and operator of Rod's Golf Improvement Center, Inc., is seeking approval for a Commercial Recreation Use (ZBL § 3.5.15) for

an approximately 3,000 square foot space within an existing commercial shopping plaza commonly known as Nagog Mall. The physical space which is the subject of this Use Special Permit was formerly occupied by Gymboree, which has since relocated. The Use Special Permit is required due to the Applicant's wish to conduct golf lessons and have golf simulators within the space for consumers and general public utilization.

Under the Town of Acton's Zoning Bylaw, Section 3.5.15, the proposed use is classified as Commercial Recreation. Commercial Recreation is defined as follows: *"A facility operated as a business, open to the public for a per-visit or membership fee, and designed and equipped for the conduct and instruction of sports and recreation such as ice skating, roller skating, racquet ball, tennis, swimming, body building, fitness training, steam baths, sauna, aerobics, yoga, dancing, martial arts, bowling, horseback riding, skiing, ball games, golf course, country club, miniature golf, golf driving range, or similar customary and usual sports and recreational activities."*

Commercial Recreation uses consisting of 2,000 square feet or more of Net Floor Area require a special use permit from the Board of Selectmen (Table of Principle Uses – Section 3.5.15 and the associated footnote 10). The proposed use will be approximately 3,000 square feet in size. The proposed site/location of this Commercial Recreation use is an appropriate location for this type of business and should raise few or no Planning Department concerns.

The existing shopping plaza was constructed in 1977 and is approximately 280,526 square feet in overall gross floor area. The shopping plaza consists of two (2) separate buildings. The shopping plaza was originally constructed and remains to this day as a neighbourhood shopping plaza. The larger shopping plaza structure is subdivided into multiple separate and individual retail/commercial spaces which are leased to several different entities, such as Cross Road Café, Huntington Learning Center, U-Travel, Anytime Fitness, etc.

At this time, it does not appear that the applicant is proposing any modifications or alterations to the structure which would result in any significant modification to the overall Floor Area Ratio (FAR) of the property. The property currently has a large amount of parking spaces, the majority of which are located in front of the building and in close proximity to the location of the proposed use. Without undertaking an exhaustive parking analysis which seems to be unnecessary at this point, the parking component has been reviewed and based upon the requirements of Section 6.3, the existing parking lot would seem to comply with the minimum Zoning Bylaw parking requirements.

The proposed use IS NOT a 24-hour operation. As posted on the Applicant's website, the hours of operation are indicated as being Monday – Friday: 10am to 9pm; Saturday: 8am to 7pm; and Sunday: 9am to 7pm. The hours of operation are shorter than other existing businesses within the plaza and on the larger property. This particular Use and its hours of operation do not seem to pose any significant concerns or potential problems as the site is not located immediately adjacent to any residential uses or dwellings.

In general terms, the Planning & Zoning Department does not object to the proposed Use Special Permit.